



Citizen Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Board Members

FROM: Stephen Muffler, Esquire

DATE: 12/31/08

RE: John Opp CRB Case #08-011  
CRB Investigation Activity/Report

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This is the first investigative report on this file. At issue is if Sergeant Frank Blasberg rendered deficient service when re-investigating an auto accident after meeting with Mr. Opp who alleges his vehicle was impacted by the crash. The Board heard this case during its December 22, 2008, and Voted as follows:

**To reschedule this matter for the next meeting to occur on January 12, 2009 and for the following to take place: 1) Executive Director should contact IA and see if all witness statements and reports have been given to CRB; 2) Executive Director should go to the clerk's office at the courthouse and see if there are any statements in that file from witnesses that are relevant to this file; 3) Attorney Cintron should attempt to locate and contact Mr. Blanchard in Michigan to get a statement from him over the phone.**

I have reviewed the court house file and attached the material filings showing that the traffic case against Mr. Richard Lewis was settled and there is no information about the new address for the witness Mr. Blanchard other than his former Key West address. Further the file reflects no statement by Mr. Blanchard and none is expected due to the file being resolved. I have drafted a memo to IA to request that all statements be provided to me regarding this file and I will be meeting with IA on January 6, 2009, at my regular scheduled time, to collect such statements if they exist. Finally, Mr. Opp has communicated to me that he does not know the new address for Mr. Blanchard or how the CRB attorney can reach Mr. Blanchard.

Attached please also find documents and communications sent to the CRB from Mr. Opp's landlord, Mr. Robert Watson which I received in the mail this week for the first time. I have assured Mr. Watson by return voice message that these documents would be included in Mr. Opp's file and brought before the Board. Mr. Watson states that he had interfaced with Sergeant Blasberg and proffered some evidence to Officer Blasberg relative to the crash which would support Mr. Opp's claims that an impact occurred with his vehicle. Mr. Watson's name, nor his statements, are identified in the IA summary report or the two (2) crash/accident reports and on no materials sent to the Board previously on this file have mentioned Mr. Watson's statements herein identified.

The Board felt more comfortable re-addressing Mr. Opps File when IA was available for the next meeting on January 12, 2008.

This Report contains the following attachments:

1. Material filings in Mr. Richard Lewis' traffic case which shows it has been resolved;
2. Mr. Robert Watson's communications relative to Mr. Opp's claims; &
3. Notice letters to officer and Complainant.

**1**



**OFFICE OF THE STATE ATTORNEY**  
SIXTEENTH JUDICIAL CIRCUIT

530 Whitehead Street, Suite 201  
Key West, FL 33040

**Mark E. Kohl**  
State Attorney

**(305)292-3400**  
Fax (305)294-7707

**Warrant Information Form**

*(Send two copies to the Sheriff's office)*

Last Name: **LEWIS** First Name: **RICHARD** Middle Name: **DANIEL**  
Address: **3722 CINDY AVENUE , KEY WEST, FL 33040-0**  
Case #: **2008-CT-02588-A-K**  
Agency: **Key West Police Department**  
Agency #: **08-400904**  
Charges: **LEAVING SCENE OF ACCIDENT INVOLVING DAMAGE TO ATTENDED VEHICLE**

Race: **WHITE** Sex: **MALE** Hair: **BROWN** Eyes: **BROWN**  
Date of Birth: **02/14/1990** Height: **600** Weight:  
Social Security Number: **222-78-1979**

**Pick up Order**

(Check One)

- ☒ Monroe County Only
- ☐ Monroe, Dade, Broward, Collier Counties Only
- ☐ Florida Only
- ☐ Florida, Mississippi, Alabama, Georgia, South Carolina States Only
- ☐ United States Only
- ☐ Anywhere
- ☐ Other

This case has been assigned to Assistant State Attorney: **BETSY S SEEBA**

STATE OF FLORIDA

-vs-

CASE NO.

PRESIDING JUDGE:

**ORDER SETTING TRIAL DATE, PRETRIAL CONFERENCE, AND PRETRIAL PROCEDURES**

This cause having come on for arraignment, and the State having filed a charging document, and the defense having filed a written/oral plea of not guilty, demand for jury trial, and demand for discovery, it is therefore

ORDERED as follows:

**1. TRIAL DATE**

This case is set for trial by jury on 12/15, 2008, at the Freeman Justice Center, 302 Fleming Street, Key West, Florida, in Courtroom F at 8:30A.m.

**2. PRETRIAL CONFERENCE**

A pretrial conference will be held on 12/3, 2008, at the Freeman Justice Center, 302 Fleming Street, Key West, Florida in Courtroom F at 9:30A.m.

**3. DISCOVERY**

All applicable discovery rules shall be strictly adhered to in accordance with the Florida Rules of Criminal Procedure, including all time limits, disclosures, witness lists, expert witness opinions, scientific tests and results, statements, and any other required discovery materials. **IN ANY EVENT, ALL DISCOVERY SHALL BE CONCLUDED WITHIN 60 DAYS OF THE DATE OF THIS ORDER FOR MISDEMEANORS, AND 90 DAYS FOR FELONIES.** If any party fails to comply with the time limits imposed above, the opposing party shall file a motion to compel. Failure to file a motion to compel may be considered a waiver of objection to the discovery materials not disclosed. **FAILURE TO COMPLY WITH THESE DISCOVERY TIME LIMITS MAY RESULT IN THE SUPPRESSION OF EVIDENCE, OR MAY RESULT IN THE DENIAL OF AN OBJECTION TO THE USE OF THE EVIDENCE IN QUESTION.**

**4. MOTIONS**

All pretrial motions shall be filed within 75 days of this order in misdemeanor cases, or within 120 days in felony cases. Any pretrial motion not filed within those time limits may be considered untimely and/or a waiver of speedy trial, unless good cause is shown. No pretrial motions shall be heard on the day of jury selection or trial.

**5. CONTINUANCES**

The requirements for preparation imposed upon counsel by this Order cannot be continued or deferred by counsel without prior Court approval. **Stipulations between counsel as to a continuance of the discovery time limits, the pretrial conference, or the trial are of no force and effect**, and counsel should not presume that the Court will continue the discovery time limits, the pretrial conference, or the trial simply because counsel has agreed to same. Counsel is expected to comply with this Order unless and until the Court orders otherwise.

**DONE AND ORDERED** at Key West, Monroe County, Florida this

27 day of Oct, 2008.

JUDGE

I HEREBY CERTIFY that copies of the foregoing Order were forwarded to the parties indicated, on the date of entry hereof.

Defendant

State Attorney

Bondsman

Defense Counsel

Deputy Clerk

# PRE-TRIAL INTERVENTION REFERRAL

Referral Date: October 24, 2008

Defendant's Name Richard Daniel Lewis

Address: 3722 Cindy Avenue  
Key West, FL 33040-0

Phone Number:

Defense Counsel:

Case Number: 2008-CT-02588-A-K

Charge(s) 1) Leaving Scene of Accident Involving Damage to Attended Vehicle

Date of Arrest: October 4, 2008

Court Date: October 27, 2008 at 9:00 AM

Conditions:

- ☒ 25 hours Community Service
- ☒ Driver Improvement School
- ☒ 6 months Probation

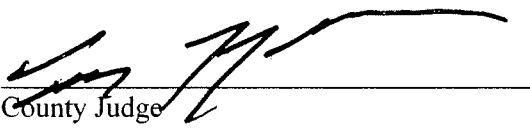
Victim Name: Wayne E. Riley


Address: 1009 17<sup>th</sup> Street  
Key West, FL 33040

Phone Number:

Officer: Revoredo , Nicholas

Restitution Information and Notes:

  
County Judge  
16th Judicial Circuit

  
Betsy S Seeba  
Assistant State Attorney  
Bar Number 0033322

cc: Richard Daniel Lewis  
Court Options

08 OCT 27 PM 12:46  
RECORDED

IN THE COUNTY COURT OF THE SIXTEENTH JUDICIAL CIRCUIT  
IN AND FOR MONROE COUNTY, FLORIDA

LOWER KEYS CRIMINAL DIVISION

STATE OF FLORIDA,  
*Plaintiff,*

vs.

Case Number 2008-CT-02588-A-K

RICHARD DANIEL LEWIS,  
*Defendant.*

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ANSWER TO DISCOVERY NOTICE  
DEMAND FOR RECIPROCAL DISCOVERY  
DEMAND FOR NOTICE OF ALIBI  
STATE'S WITNESS LIST

The State of Florida hereby responds to the Notice of Discovery made on behalf of the Defendant pursuant to Rule 3.220 of the Florida Rules of Criminal Procedure. The State hereby demands reciprocal discovery and all disclosure required by the Defendant as set forth in Rule 3.220 of the Florida Rules of Criminal Procedure. Further, the State hereby demands notice of alibi pursuant to Rule 3.200 of the Florida Rules of Criminal Procedure.

NOTICE IS HEREBY GIVEN that all information and material as defined by Rule 3.220(b) of the Florida Rules of Criminal Procedure, within the State's possession or control has been disclosed by providing copies of all reports and statements in the State Attorney's file to the Attorney for the Defendant. Those items are as follows:

|   |            |
|---|------------|
| Florida Uniform Traffic Citation .....      | 1 citation |
| Florida Traffic Crash Report-Long Form..... | 5 pages    |
| Florida Traffic Crash Report-Update.....    | 3 pages    |
| Property Receipts .....                     | 1 pages    |

The Attorney for the Defendant, Victoria McFadyen, Esq., is hereby granted permission to inspect, copy, test, and photograph the material described in supplied reports which are attached to this answer, if prior notice has been given to the undersigned of any such inspection, copying, testing, or photographing.

**WITNESS LIST**

The following is a list of persons known to the prosecutor to have information which may be relevant to the offense charged:

Justin Blanchard, 1013 17<sup>th</sup> Street, Key West, FL 33040

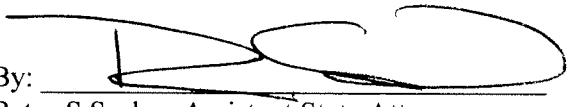
Nicholas Revoredo, #2962, Key West Police Department, 1604 North Roosevelt Boulevard, Key West, FL 33040

Wayne E. Riley, 1009 17<sup>th</sup> Street, Key West, FL 33040

I do certify that a copy hereof has been furnished to Victoria McFadyen, Esq., 300 Southard Street, Suite 106, Key West, FL 33040 by mail on November 5, 2008.

Respectfully submitted,

**Mark E. Kohl, State Attorney**  
530 Whitehead Street, Suite 201  
Key West, FL 33040  
Phone: (305)292-3400  
Fax: (305)294-7707

By:   
Betsy S Seeba, Assistant State Attorney  
Florida Bar # 0033322



# PRE-TRIAL INTERVENTION REFERRAL

Referral Date: November 10, 2008

Defendant's Name Richard Daniel Lewis

Address: 3722 Cindy Avenue  
Key West, FL 33040-0

Phone Number:

Defense Counsel:

Case Number: 2008-CT-02588-A-K

Charge(s) 1) Leaving Scene of Accident Involving Damage to Attended Vehicle

Date of Arrest: October 4, 2008

Court Date: October 27, 2008 at 9:00 AM

Conditions:

- ☒ 25 hours Community Service
- ☒ Driver Improvement School
- ☒ 6 months Probation

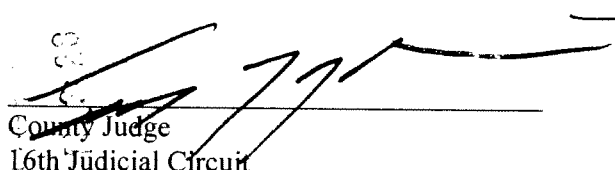
Victim Name: Wayne E. Riley


Address: 1009 17<sup>th</sup> Street  
Key West, FL 33040

Phone Number:

Officer: Revoredo , Nicholas

Restitution Information and Notes:

  
County Judge  
16th Judicial Circuit

  
Betsy S Seeba  
Assistant State Attorney  
Bar Number 0033322

cc: Richard Daniel Lewis  
Court Options



**IN THE COUNTY COURT OF THE SIXTEENTH JUDICIAL CIRCUIT  
IN AND FOR MONROE COUNTY, FLORIDA**

**LOWER KEYS CRIMINAL DIVISION**

STATE OF FLORIDA

vs.

Case Number: 08-CT-02588-A-K

Charge: Leaving Scene of Accident  
Involving Damage to Attended  
Vehicle

*Defendant* RICHARD DANIEL LEWIS /

**PRE-TRIAL INTERVENTION AGREEMENT**

The State of Florida and Richard Daniel Lewis, agree to the following accord:

1. Richard Daniel Lewis, agrees not to commit any criminal offenses during the time this agreement is in effect.
2. Florida Rule of Criminal Procedure 3.191 provides that the Defendant is entitled to a speedy trial, and to be brought to trial within ninety (90) days of when the prosecution is started. The Defendant agrees to waive this right to a speedy trial by in order to participate in this agreement.
3. The Defendant agrees to notify the Clerk of the Court and Court Options probation agency of any changes in address during the period of this agreement.

4. The Defendant agrees to the following conditions as part of this agreement:

- a. 6 Months Supervision
- b. 25 hours of Community Service Work
- c. Driver Improvement School

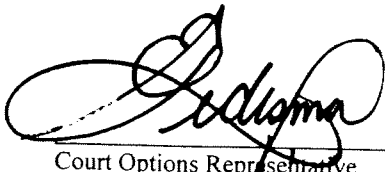
5. The State Attorney's Office agrees to *Nolle Prosequi* (dismiss) the charge(s) in this case after time set forth in this agreement if the Defendant has completed of all the terms and conditions of this agreement.

6. If the State discovers that the Defendant has violated any law or any part of this agreement during the period of this agreement then the agreement shall be considered null and void and the State of Florida may recommence prosecution. This includes offenses committed during the period set forth below, but not discovered until that period has ended. The decision whether or not such violations may have occurred will remain in the discretionary judgment of the State Attorney's Office.

7. The term of this agreement shall be for \_\_\_\_\_ 6(six) \_\_\_\_\_ months, starting from the date the Assistant State Attorney signs this agreement.

8. This agreement shall be supervised by Court Options, which is located at 524 Eaton Street Suite #140, Key West, FL 33040 and whose telephone number is (305) 295-7227. The Defendant agrees to report to Court Options monthly and pay a supervision fee of sixty dollars (\$60.00) per month.

9. This is the entire Agreement between the parties. The Defendant acknowledges that the Defendant is entering this agreement freely and voluntary, and that by signing this agreement the Defendant certifies that the Defendant has read, understands and agrees to comply with all the terms and conditions of this agreement.



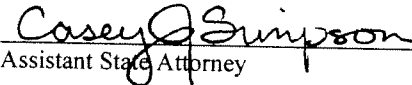
Court Options Representative



Defendant's Signature

3722 Cindy Ave  
Keywest FL, 32640  
305-731-4041

Defendant's Address and Phone



Assistant State Attorney

11/10/08

Date Signed

11/19/08

Date Signed

11/21/08

Date Signed

### ORDER

The Clerk of Court is hereby directed to remove this case from the docket until further notice by either party or the Court. Speedy Trial in this case is waived.

**DONE AND ORDERED AT** Key West, in Monroe County, Florida this 3  
day of Dec, 2008.

  
COUNTY JUDGE

cc: State Attorney's Office  
Court Options Probation  
Defendant  
Defendant's Attorney

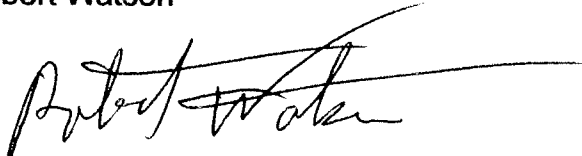
2

**From:** bwkeywest@comcast.net

**To:** bwkeywest@comcast.net (Bob Watson)

**Date:** Saturday, December 27, 2008 1:44:04 PM

To: Stephen C. Muffler--Citizen Review Board --case number 08-011 regarding John Opp and Officer Frank Blasberg: After reviewing the sixty-eight pages of information available on the Internet regarding this case I see my attached letter dated October 9, 2008 and mailed to Police Chief Donnie Lee, Frank Blasberg, John Opp and Wayne Riley was not a part of your information. Please see that copies of my letter are received for review by the members of the CRB--I'll be available at the January 12, 2008 CRB meeting at 6 p.m.--  
Sincerely, Robert Watson



PHONE: 305-292-4821

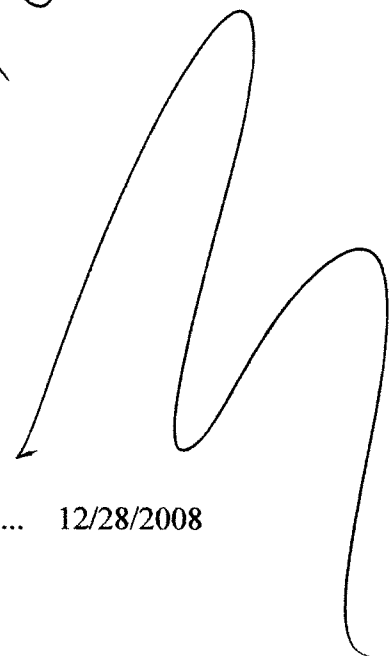
**From:** bwkeywest@comcast.net

**To:** bwkeywest@comcast.net (Bob Watson)

**Date:** Sunday, December 28, 2008 3:19:26 PM



TO: Mayor--Morgan Mc Pherson, City Manager--Jim Scholl, Police Chief--Donald Lee, Editor--Key West Citizen, Citizen Review Board--Stephen Muffler: Please review the "Citizen Review Board" case number 08-011 regarding a complaint by John Opp against Officer Frank Blasberg. I'm Bob Watson (retired high school teacher) and the home owner at 1001 17th St. where John Opp lives. On the night of 10-5-08 I discussed the crash situation with Officer Blasberg and was amazed at his lack of knowledge regarding the situation--he refused three times to look at the collection of broken car and truck parts that I picked up off the street--Officer Blasberg appeared very arrogant--when I asked him when he thought the damaged was done to John Opp's truck he responded "about \three months ago"--I know for a fact that Officer Blasberg had no idea what he was talking about and thought how could this person be employed as a police officer. I drive by John Opp's truck on a daily basis and know his truck was involved in the accident (during that night) noted in the CRB report--case number 08-011--John Opp keeps asking me "WHERE IS THE JUSTICE? Please attend the January 12, 2009 CRB meeting at the old city hall, six p.m.--Please see that appropriate staff receive this letter including members of the CRB--Sincerely, Robert Watson-phone 305 292-4821-- copy: Officer Blasberg

STEPHEN--  
FOR YOUR CRB MEMBERS!



**From:** bwkeywest@comcast.net  
**To:** bwkeywest@comcast.net (Bob Watson)  
**Date:** Thursday, October 09, 2008 6:33:16 AM

To: Supervisor Frank Blasberg--reference crash number 76068730--two separate reports but the same crash number dated 10-4-08. I'm Robert Watson the home owner located at 1001 17th St. (corner home located at 17th St. & Northside Drive) I had an unpleasant meeting with you on the night of 10-5-08. I found you as arrogant and uncooperative. First you upset John Opp whose truck was hit by telling him his truck was not involved in the accident that it was only "kinetic force" that was responsible for the broken parts around his truck--John has very little academic and verbal skills and becomes emotional and upset when being told he is wrong. I'm a retired high school teacher. John's truck was hit so hard that the force twisted the rear bumper--dislodged the contents inside his truck and ripped the battery and connecting cables apart. When I personally asked you if you would like to look at the broken parts that I collected off the street you refused "three" times--you were not interested--you gave me the impression that you knew it all--again you told me that it was "kinetic force" and not impact. That was a very stupid comment because the broken pieces of bondo from John Opp's rear bumper were on the road due to the collision and "not" kinetic force. When I asked you when you thought the damaged occurred to John's truck you responded about three months ago--that was also a stupid comment on your part--my concern about you does not justify a complaint to the "Civilian Review Board" but I would suggest you listen more carefully and try not be so arrogant. Sincerely, Robert Watson--copies: Police Chief Donnie Lee, John Opp and Wayne Riley.





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CITY OF KEY WEST

Citizen Review Board

P.O. Box 1946

Key West, FL 33041

Ph: (305) 809-3887

Fax: (305) 293-9827

December 24, 2008

Mr. John E. Opp  
1001 17<sup>th</sup> Street  
Key West, FL 33040

VIA US Mail

Complaint File: **CRB No. 08-011**  
**KWPD-IA File Number: (to be assigned)**

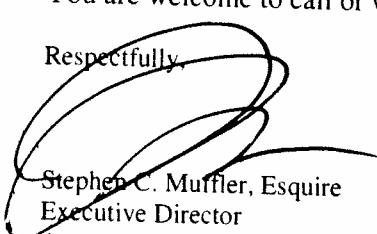
Dear Mr. Opp:

Please be advised that one or more Board members and/or the Executive Director of the Citizen Review Board has placed the above referenced matter on the Agenda for the January 12, 2008 meeting at Old City Hall starting at 6:00 p.m. Enclosed please find the proposed agenda for that meeting. It would be helpful if you and/or your representative could attend this meeting to help the Board reach a fair and just recommendation. Please advise this office of any further evidence that would support your claims of unprofessional conduct by the subject officer(s) mentioned in your complaint. It would also be helpful if any and all witnesses that are willing to support your claims appear this night before the Board.

Finally, per our telephone conversation today, our attorney, Mr. Robert Cintron, was charged by the Board to attempt to contact Mr. Justin Blanchard who was an alleged witness to the crash. However, as you have stated, Mr. Blanchard has relocated to Michigan and he does not have a known forwarding telephone number or address. If you happen to come across new contact information concerning Mr. Blanchard, please send that information to our office immediately.

You are welcome to call or write us with any questions you may have.

Respectfully,

  
Stephen C. Muffler, Esquire  
Executive Director  
Attorney-at-Law  
cc: File

# **AGENDA**

Citizen Review Board Meeting  
Old City Hall, 510 Greene Street

**Monday, January 12, 2009**  
**6:00 p.m.**

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES:
  - a. December 22, 2008
5. TRACKING CHART REVIEW
6. CONTINUED OR NEW BUSINESS
  - a. Review File: Jessica Smith—CRB# 08-008;
  - b. Review File: John Opp – CRB# 08-011; &
  - c. Review File: Arian Fisher---CRB#08-013
7. COUNSEL'S REPORT
8. CHAIRMAN'S REPORT
9. BOARD MEMBERS REPORT/GENERAL COMMENTS
10. EXECUTIVE DIRECTOR'S REPORT
  - a. Review File: Omar Brown ---- CRB #07-001 (Director's Memo—Newly Discovered Evidence)
  - b. Summary of CRB Public Affairs Efforts (and viewing of Comcast's "City Beat" Mayor interview of CRB Executive Director to be played immediately after the conclusion of the CRB meeting);
  - c. Update on Request for IA list/schedule of Internal Files for 2008;
  - d. Update on Executive Director's Draft of CRB Annual report for 2008; &
  - e. Update on Executive Director's efforts in securing applications from the public to fill Board appointed vacancy on CRB
11. PSO/IA COMMENTS/FOLLOW-UP
  - a. Status of IA Internal Investigation list for 2008 (see items 10(c));
12. PUBLIC INPUT
13. MEDIA AND PRESS QUESTIONS
14. ADJOURNMENT



Citizen Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Lt. David Smith  
FROM: Stephen Muffler, Esquire  
DATE: 12/24/08  
RE: CRB Agenda for 01/12/09

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Attached please find the agenda for the above referenced CRB meeting. Also enclosed please find the respondent officers' notices. **Would you please forward these notices to the individual officers so that they are aware of this upcoming meeting?** It would be desirable for a representative from your office attend this meeting to help address the Board's specific questions on any files or procedures. Please note that all of the Board materials are now available for yourself or the respondent officer's to view on the CRB website.

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Citizen Review Board Meeting  
Old City Hall, 510 Greene Street

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12. PUBLIC INPUT

13. MEDIA AND PRESS QUESTIONS

14. ADJOURNMENT



Citizen Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Officer Frank Blasberg  
FROM: Stephen Muffler, Esquire  
DATE: 12/24/08  
RE: CRB Complaint #08-011/John Opp

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Attached please find a copy of the proposed Agenda for the CRB meeting to be held at 6:00 p.m. at the Old City Hall on January 12, 2009. One or more of the Board Members and/or the Executive Director as placed the above referenced file on the Agenda for discussion. You are a respondent in this file and are invited to attend this meeting to help clarify the matter to the Board members. You are under no obligation to attend nor speak to the Board, but your input on the matter would be carefully weighed and would assist the Board in reaching a fair and just recommendation. You may attend personally, via a union representative or through legal counsel.

**AGENDA**  
Citizen Review Board Meeting  
Old City Hall, 510 Greene Street

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Citizen Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Lt. David Smith

FROM: Stephen Muffler, Esquire

DATE: 12/31/08

RE: CRB Request for all statements regarding Mr. Opp's File  
pertaining to any witness statements collected

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Attached please find the agenda for the above referenced CRB meeting. You will note that the Board has decided to re-address Mr. Opp's file since IA was not present at the its last meeting on December 22, 2008, and further information was requested.

The Board has requested that IA proffer any and all copies of any and all statements received by them that the CRB has not been provided relative to this file. Specifically, they are interested in any statement that the crash accident investigators collected relative to Mr. Blanchard.



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Old City Hall, 510 Greene Street

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  - d. Update on Executive Director's Draft of CRB Annual report for 2008; &
  - e. Update on Executive Director's efforts in securing applications from the public to fill Board appointed vacancy on CRB
11. PSO/IA COMMENTS/FOLLOW-UP
  - a. Status of IA Internal Investigation list for 2008 (see items 10(c));
12. PUBLIC INPUT
13. MEDIA AND PRESS QUESTIONS
14. ADJOURNMENT